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REMARKS

Applicants have amended claims 1, 15 and 28, and have cancelled claims 16 and 18. New claim 31 has been added. Support for the amendments can be found, for example, in the paragraph bridging pages 23-24 and in the text spanning page 24, line 20 to page 25, line 14. No new matter has been added. Claims 1-15, 17 and 19-31 are presently pending in the application.

The Office Action rejected Claims 1-7, 9-16 and 24-30 under 35 U.S.C. 102(e) as being anticipated by Otsuki (U.S. Patent No. 6,436,772). Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Emphasis added; Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Applicants respectfully submit that the cited reference does not disclose each and every element recited in the claims as amended, and therefore, the cited reference does not anticipate the claims under 35 U.S.C. § 102.

Claim 1 is directed to a method of code programming a ROM device including, among other things, "forming a first implantation resistant layer ...; selectively exposing the first implantation resistant layer by performing a plurality of exposures using a plurality of masks to develop first code openings ... wherein the first code openings are formed in a pattern in which substantially all of a predetermined selection of gate regions, which may be coded, of the ROM device openings are exposed; forming a second implantation resistant layer over the first code openings of the first implantation resistant layer; selectively exposing the second implantation resistant layer to develop second code openings therein ... and implanting particles through the second code openings," which is not disclosed by Otsuki.

Nor does Otsuki disclose a method of code-programming a ROM device including, among other things, forming a plurality of first code openings by performing first and second exposing sequences to generate first and second overlapping patterns in the first implantation resistant

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material to permit particles to be implanted into the ROM device, thereby forming a patterned first implantation resistant material; applying a second implantation resistant material over the patterned first implantation resistant material; selectively forming a plurality of second code openings in the second implantation resistant material at predetermined locations determined by a coding content of the ROM device, wherein the number of second code openings is less than the number of first code openings; and implanting the particles through the second code openings," as recited in independent, amended claim 28.

Thus, since Otsuki fails to disclose either of the above mentioned claim combinations, claims 1, 28 and the claims dependent therefrom are not anticipated by Otsuki under 35 U.S.C. §102. Applicants respectfully request that the Examiner reconsider and withdraw the rejection based upon 35 U.S.C. §102.

The Office Action rejected claim 8 under 35 U.S.C. 103 as being unpatentable over Otsuki as applied to Claims 1-7, 9-16 and 24-30 and further in view of prior art of Otsuki and admitted prior art, pages 3-5, and rejected claims 17-23 under 35 U.S.C. 103 as being unpatentable over Otsuki as applied to Claims 1-7, 9-16 and 24-30 and further in view of admitted prior art, pages 2-5. Applicants respectfully traverse these rejections, and submit that claims 8 and 17-23 are patentable at least because of their dependence on independent, amended claims 1 and 28. Accordingly, Applicants request that the examiner reconsider and withdraw the rejections under 35 U.S.C. Section 103.

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In view of the above, Applicants respectfully submit that the application is now in condition for allowance, and an early indication of same is requested. The Examiner is invited to contact the undersigned with any questions.

Respectfully submitted,



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